



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK, 10007

205432



AUG - 8 2006

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Mr. Christopher R. Gibson
Archer and Greiner
One Centennial Square
Haddonfield, NJ 08033-0968

Re: NL Industries Superfund Site, Pedricktown, New Jersey: Disputed Oversight Costs and Recovery of Costs Pursuant to the Administrative Order on Consent, Index No. II CERCLA-60109

Dear Mr. Gibson:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your letter of February 3, 2006 in which you object to a portion of the EPA's invoice #022605T075 ("Invoice"). Specifically, you have objected to a charge by New Jersey Department of Environmental Protection (NJDEP) of \$41,536 for oversight along with a charge of \$12,585.41 by EPA for indirect costs related to NJDEP's oversight, for a total of \$54,121.41.

EPA has reviewed the relevant information and has concluded that since the costs incurred by NJDEP from 1990 to 1993 are related to review of the RI/FS for Operable Unit 1, these activities were not performed under Consent Decree, Civil Action No. 99-52. These activities were performed under Administrative Order on Consent (Order), Index No. II CERCLA-60109 in which NL Industries, Inc. is the only respondent.

The enclosed accounting has been prepared by the EPA for the recovery of response costs for the NL Industries, Inc. Superfund Site (Site) under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. §9601, et seq. This accounting is being forwarded to you in accordance with Section VIII (Reimbursement) of the above-referenced Order.

Enclosed is a cost summary, detailed cost documentation which supports this cost summary, a narrative statement regarding response costs incurred in implementing, overseeing or enforcing the Order, and a Bill for Collection #2720626T007. This accounting does not include costs paid or incurred by EPA for work being performed at the Site pursuant to any other agreement.

The detailed cost documentation that has been enclosed includes personnel timesheets and contractor vouchers, much of which has been marked as confidential business information. Please refer to the Confidentiality of Business Information Agreements that the Pedricktown Site Group and NL Industries, Inc. executed on January 6, 1999 and March 29, 1999, respectively, for instructions concerning the handling of the enclosed confidential business information.

In accordance with the Order and the enclosed bill, the Settling Defendants are responsible for remitting to EPA payment in the amount of \$54,121.41 within 30 days of receipt of the enclosed bill. Furthermore, as required by the Order, the due amounts are to be provided to our account at Mellon Bank via electronic funds transfer (EFT). To effect this payment via EFT, please provide the following information to your bank:

- a. Amount of Payment: **\$54,121.41**
- b. Title of Mellon Bank account to receive payment: **EPA**
- c. Account code for Mellon Bank account receiving the payment: **9108544**
- d. Mellon Bank ABA Routing Number: **043000261**
- e. Name of remitter:
- f. Case Number:
- g. Site/Spill Identifier Numbers: **0261**

Along with this information, you will need to instruct your bank to remit payment via EFT to EPA's account with Mellon Bank.

To ensure your payment is recorded properly, you should send a letter or email, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the Site, the case number (02-61) and your name and address to:

Dana Anderson
U.S. EPA
26 W. Martin Luther King Drive
Attention: FINANCE
MS: NWD
Cincinnati, Ohio 45268
E-mail (to both): anderson.dana@epa.gov and AcctsReceivable.CINWD@epa.gov

as well as:

Renee Gelblat
Remedial Project Manager
New Jersey Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 19th Floor
New York, NY 10007-1866
gelblat.renee@epa.gov

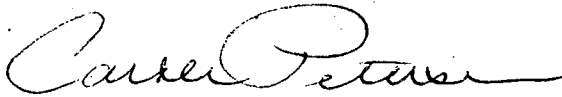
and

Damaris Urdaz Cristiano, Esquire
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 2
290 Broadway, 17th Floor
New York, N.Y. 10007-1866
christiano.damaris@epa.gov

The United States reserves its rights to recover any costs incurred during the time period covered by this accounting but not included in this billing and to recover any Site-related costs not reimbursed pursuant to the Order.

Should you have any questions regarding this matter, please contact Renee Gelblat, of my staff, at (212) 637-4414. If the Pedricktown Site Group is interested in meeting with EPA to discuss EPA's plans for oversight of ongoing and upcoming work at the Site, please contact Renee Gelblat within fourteen (14) days of the date of this letter. Questions from an attorney should be directed to Ms. Damaris Urdaz Cristiano at (212) 637-3140.

Sincerely yours,



Carole Petersen, Chief
New Jersey Remediation Branch

Enclosures

cc: J. Leed, Leed Environmental
A. Nace, NL Industries